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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,743	03/21/2000	Steven Jeromy Carriere	57921/107	7120

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GLENN PATENT GROUP
3475 EDISON WAY
SUITE L
MENLO PARK, CA 94025

EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/531,743

Applicant(s)

CARRIERE ET AL.

Examiner

James S. McClellan

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Applicant's submittal of an amendment was entered on June 6, 2005, wherein:
claims 1-27 are pending and
claims 1-4, 9, 11, 17-19, and 23-25 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-16, and 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,799,063 (Krane) in view of U.S. Patent No. 6,272,455 (Hoshen).

In regards to independent **claim 1**, Krane discloses a method of funneling user responses in a voice portal system to determine a desired item or service (see column 6, line 40-44), the method comprising: **(a)** establishing an attribute value (stored in index means 100; see column 3, lines 43-52) associated with a particular attribute of a desired item or service; **(b)** determining if the attribute value satisfies an end state, wherein if the end state is not satisfied, performing steps **(a)** and **(b)** with a new particular attribute; [**claim 2**] the step of establishing an attribute value associated with a particular attribute of a desired item or service comprises assigning a user preference to the attribute value (see column 5, line 62-column 6, line 3); [**claim 3**] the step of

Art Unit: 3627

establishing an attribute value associated with a particular attribute of a desired item or service comprises: establishing an attribute vocabulary set (for example the user verbally enters the command “Yahoo” to get to YAHOO’s (TM) services; see column 5, line 49) related to a particular attribute of a desired item or service; querying the user (see column 5, line 39-43) for an attribute associated with the particular attribute, the attribute value being a member of the attribute vocabulary set; identifying the attribute value given by the user; **[claim 4]** the step of establishing an attribute vocabulary set comprises providing a group of possible verbal responses (inherent feature of systems that utilize voice recognition) to a query on an attribute of a desired item or service; and **[claim 7]** the step of identifying the attribute comprises setting a preference for the attribute (a user can set a preference, for example, favorite Talk Web sites; see column 5, line 62-65).

In regards to independent **claim 9**, Krane discloses a system for funneling voice portal user responses to determine a desired item or service, the system comprising: a user interface (VRU and link interface, 3 and 7); a database (server 2, see column 6, lines 28-39) coupled to the user interface (3, 7), the user interface (3, 7) coordinating communications with a user, the database (2) storing information regarding attributes, attribute vocabulary sets, and Internet-based information (stored in index means 100); whereby the user interface (3, 7) established an attribute value associated with a particular attribute of a desired item or service and determines if the attribute value identified satisfies and end state; **[claim 10]** the user interface (3, 7) assigns a user preference to the attribute value (see column 5, line 62-column 6, line 3); **[claim 11]** the user interface (3, 7) established an attribute vocabulary set related to particular attribute of a desired item or service (for example the user verbally enters the command “Yahoo” to get to

Art Unit: 3627

YAHOO's (TM) services; see column 5, line 49), queries the user (see column 5, line 39-43) for an attribute value associated with the particular attribute, and identifies the attribute value given by the user; **[claim 12]** the database (2) store preferences of the user; **[claim 13]** a customer management subsystem to store user related information (for example, "User Favorite Talk Web Sites", see column 5, line 62-column 6, line 3); **[claim 14]** the customer management subsystem records user responses to queries from the user interface (see column 5, line 62-column 6, line 3); **[claim 15]** the user interface (3, 7) communicates with a user using voice ("Voice Commands", see column 5, line 54).

In regards to independent **claim 17**, Krane discloses a voice portal configured to funnel user responses to determine a desired item or service, the voice portal comprising: means (100) for performing the steps of: **(a)** establishing an attribute value associated with a particular attribute or a desired item or service; means (see column 3, lines 42-57) for performing the step of **(b)** determining if the attribute value satisfies and end state, wherein if the end state is not satisfied, performing steps (a) and (b) with a new particular attribute (see column 3, lines 42-57); **[claim 20]** means for setting a user preference (for example, "User Favorite Talk Web Sites", see column 5, line 62-column 6, line 3); **[claim 21]** means for recording user responses (via VRU). It is noted that **claims 18 and 19** are similar to claims 3 and 2, respectively, which are discussed in detail (see above).

Independent **claim 23** and **claims 24-26** are rejected for reasons set forth above in detail for similar claims 1 and 2-4. It is noted that claim 1 and claim 23 are both product claims. Additionally, it is noted that Krane's system utilizes a computer program product comprising computer readable program code. Krane's computer program product is the system shown in

Art Unit: 3627

Figure 1. In regards to claim 27, Krane discloses a product including a computer readable program code for defining a user preference (for example, "User Favorite Talk Web Sites", see column 5, line 62-column 6, line 3) based on user responses ("Mark", see column 5, line 63).

Krane fails to explicitly disclose determining if an end state attribute given by a user satisfies an end state, else repeating steps (a) and (b).

Hoshen et al. teaches the use of system and method of identifying an attribute value given by the user comprises providing fallback queries (see column 4, lines 15-38) to query the user further for an attribute value which is in the attribute vocabulary set; and the step of providing fallback queries comprises asking the user (see column 4, lines 36-38) for at least one substitute attributes for the particular attribute of a desired item or service.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane with fallback query of Hoshen et al., because the use of a fallback query allows the system to continue when an unknown response is given, wherein improving accuracy and efficiency of the system.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of Hoshen as applied to claims 1-7, 9-15, and 17-27 above, and further in view of U.S. Patent No. 6,400,806 (Uppaluru).

In regards to claim 8, Krane/Hoshen disclose all of the claimed steps as set forth above except for the step of identifying the attribute comprises a global preference for the attribute, the global preference being applied in a plurality of domains of interest.

Uppaluru teaches the step of identifying the attribute comprises a global preference for the attribute, the global preference being applied in a plurality of domains of interest. For

Art Unit: 3627

example, Figure 3 shows Uppaluru's "Personal Voice Web Services Pages". It is noted that element (308), Attributes and Preferences Page, serves as a global preference that is applied to the plurality of domains listed below it.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane/Hoshen with global preferences taught by Uppaluru, because using global preferences allows the user to customize his/her voice web service to more efficiently meet his or her voice web needs.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krane in view of Hoshen as applied to claims 1-7, 19-15, and 17-27 above, and further in view of U.S. Patent No. 6,401,085 (Gershman et al.).

In regards to **claim 16**, Krane/Hoshen disclose all the claimed elements of the system in claim 9, but fails to disclose a user interface that utilizes a wireless application protocol (WAP) platform.

Gershman et al. teaches the use of a user interface that utilizes a wireless application protocol (WAP) platform (column 2, lines 6-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krane/Hoshen with use of WAP as taught by Gershman et al., because the use of WAP will allow the user to access voice web services from various locations without and therefore increasing the user's ability to connect to the web.

Response to Arguments

6. Applicant's arguments filed June 6, 2005 have been fully considered but they are not persuasive.

Applicant's have been considered but are moot in view of the new grounds of rejection necessitated by Applicant's amendment.

Conclusion

7. The following prior art references are cited of interest but not relied upon in the rejections:

Rongley is cited of interest for disclosing a method for conducting point-of-sale transactions using voice recognition.

Mazurkiewicz et al. is cited of interest for disclosing a communications device responsive to spoken commands.

Wise et al. is cited of interest for disclosing a computer network audio access and conversion system.

Partovi et al. is cited of interest for disclosing a method for content personalization over a telephone interface.

Sarukkai et al. is cited of interest for disclosing a web triggered word set boosting for speech interfaces to the web.

Tsai is cited of interest for disclosing a distributed database schema that includes a search module that loops when an end state is not satisfied (paragraph 0048).

Art Unit: 3627

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

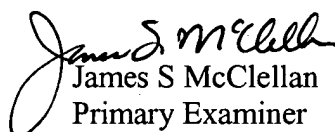
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James S McClellan
Primary Examiner
Art Unit 3627

jsm
6/15/05